

REMARKS

This response is intended as a complete response to the Final Office Action dated March 10, 2006. In view of the following discussion, the Applicants believe that all claims are in allowable form.

ALLOWABLE SUBJECT MATTER

The Applicants thank the Examiner for her comments regarding the allowability of claims 13 and 19 if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, the Applicants have amended claim 1 to incorporate the limitations of claim 13 and intervening claims 11 and 12, and have cancelled claims 11-13. The Applicants have further amended claims 14-15 to depend from claim 1 to maintain proper dependency. In addition, the Applicants have added new claim 29, which correlates to claim 19 written in independent form – *i.e.*, having the limitations recited in claim 1 plus the limitations recited in claims 17-19 – and have cancelled claims 17-19. The Applicants have further amended claims 9-10 and 20-21 to depend from new claim 29 to maintain proper dependency.

Thus, the Applicants submit that independent claims 1 and 29, and all claims depending therefrom are in allowable form, as indicated by the Examiner.

Furthermore, the Applicants have added new claims 30-32. Claim 30 corresponds to independent claim 1 as originally filed with the inclusion of limitations similar to those found allowable by the Examiner, namely, “using a portion of the organic film in the first feature as an etch mask so as to remove lithographic misalignment between the second feature and the first feature when the second feature is etched.” Thus, the Applicants submit that no new matter has been added and no new search is required by the Examiner. Claims 31 and 32 depend from claim 30. In addition, the Applicants have amended claims 23 and 26 to respectively depend from claims 31 and 32.

Thus, the Applicants submit that new claim 30 and all claims depending therefrom are also allowable.

Accordingly, the Applicants respectfully request allowance of these claims.

CLAIM REJECTIONS§102 Claims 1, 6, 9-12, 17-18, and 22-28

Claims 1, 6, 9-12, 17-18, and 22-28 stand rejected under 35 USC §102(b) as being anticipated by United States Patent 5,935,762, issued August 10, 1999, to *Dai, et al.* (hereinafter *Dai*). The Applicants respectfully disagree. However, to expedite prosecution, the Applicants have amended claim 1 into allowable form, as indicated by the Examiner, and have cancelled claims 22, 24-25, and 27-28 without prejudice. The Applicants reserve the right to file continuing applications to pursue unclaimed subject matter disclosed in this application.

Thus, the present rejection is moot. Accordingly, the Applicants respectfully request that the rejection be withdrawn and the pending claims allowed.

§103 Claims 2-5, 7-8, 14-15, and 20-21

Claims 2-5, 7-8, 14-15, and 20-21 stand rejected under 35 USC §103(a) as being obvious in light of *Dai* in view of United States Patent 6,809,028, issued October 26, 2004 to *Chen, et al.* (hereinafter *Chen*). The Applicants respectfully disagree. However, to expedite prosecution, the Applicants have amended claim 1 into allowable form, as indicated by the Examiner and discussed above.

Thus, as all above-rejected claims depend from allowable claim 1, the Applicants submit that these claims are also allowable. Accordingly, the Applicants respectfully request that the rejection be withdrawn and the pending claims allowed.

§103 Claim 16

Claim 16 stands rejected under 35 USC §103(a) as being obvious in light of *Dai* in view of United States Patent 6,576,545, issued June 10, 2003 to *Hopper, et al.* (hereinafter *Hopper*). The Applicants respectfully disagree. However, to expedite prosecution, the Applicants have amended claim 1 into allowable form, as indicated by the Examiner and discussed above.

Thus, as the above-rejected claim depends from allowable claim 1, the Applicants submit that claim 16 is also allowable. Accordingly, the Applicants respectfully request that the rejection be withdrawn and the claim allowed.

CONCLUSION

Thus, the Applicants submit that all claims now pending are in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issuance are earnestly solicited.

If, however, the Examiner believes that any unresolved issues still exist, it is requested that the Examiner telephone Mr. Alan Taboada at (732) 935-7100 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

June 8, 2006

/ Alan Taboada /

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